

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

1/9/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR03-00494SOM
CASE NAME: USA v. (10) John Jose
ATTYS FOR PLA: Chris Thomas
ATTYS FOR DEFT: (10) Lynn Panagakos
PROBATION
OFFICER: Rosanne Donohoe

JUDGE: Susan Oki Mollway

REPORTER: Debra Chun

DATE: 1/9/2006

TIME: 2:45-3:00pm

COURT ACTION: EP:

1. Sentencing to Count 1 of the Indictment as to Defendant (10) John Jose
2. United States Motion for Downward Departure in Sentencing as to (10) John Jose

Defendant present, not in custody

Memorandum of Plea Agreement accepted by the court

United States Motion for Downward Departure in Sentencing is hereby granted

Allocution by the defendant

ADJUDGED:

Imprisonment: 37 Months

Supervised Release: 3 Years

No Fine imposed

Special Assessment: \$100

CONDITIONS:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.

Defendant advised of his right to appeal

JUDICIAL RECOMMENDATIONS: 1) defendant requests Federal Detention Center, in Honolulu, Hawaii due to the proximity of family; 2) Educational and Vocational training

Mittimus is stayed until 2/13/06. Defendant to self surrender @ 10:00 a.m. 2/13/06 at the Federal Detention Center, Honolulu. If defendant designated to another facility, he will self surrender at 10:00 a.m. on 2/13/06 at the USMS, Honolulu, Hawaii for transport to the designated facility.

Government's oral Motion to Dismiss Count 14 is hereby granted

Defendant to remain out on bail with the same conditions to apply

Submitted by: Shari Afuso, Courtroom Manager